

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On September 29, 1937, Ballard & Ballard Co., Mobile, Ala., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it should not be disposed of for human consumption, but that it might be disposed of for animal feed under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27803. Adulteration and misbranding of olive oil. U. S. v. Moscahlades Bros., Inc., Socrates Moscahlades, and Adolphus Brook. Pleas of guilty. Socrates Moscahlades sentenced to 1 year on count 1 and 1 year on count 2, sentences to run consecutively but suspended, and defendant placed on probation for 2 years. Socrates Moscahlades also fined \$1,800; Adolphus Brook fined \$1,200; corporation fined \$18, payment of which was remitted. (F. & D. No. 37961. Sample Nos. 52914-B, 52915-B, 56197-B, 56198-B, 61735-B, 62918-B, 67701-B.)**

This product was adulterated with tea-seed oil.

On July 27, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Moscahlades Bros., Inc., a corporation, New York, N. Y., and Socrates Moscahlades and Adolphus Brook, at the time of the shipments hereinafter mentioned, officers of the corporation, alleging shipment by said defendants in violation of the Food and Drugs Act on or about September 28, 1935, from the State of New York into the State of Pennsylvania; on or about January 14, January 21, and February 17, 1936, from the State of New York into the State of Ohio; on or about February 11, 1936, from the State of New York into the State of Missouri; and on or about March 3, 1936, from the State of New York into the State of Virginia of various lots of olive oil that was adulterated and misbranded. The article was labeled in part: "Elephant Brand Imported Virgin Olive Oil Embro Import Co. \* \* \* New York, N. Y. Sole Distributors."

The article was alleged to be adulterated in that tea-seed oil had been substituted in part for olive oil, which it purported to be; and in that tea-seed oil had been mixed and packed with it so as to reduce or lower its quality or strength.

It was alleged to be misbranded in that it was offered for sale under the distinctive name of another article; namely, olive oil; in that the statements, "Imported virgin olive oil \* \* \* puro olio d'oliva vergine \* \* \* The olive oil contained in this can is pressed from fresh picked selected olives. It is guaranteed to be absolutely pure under chemical analysis and is highly recommended for table use and medicinal purposes. L'olio di oliva che questa latta contiene. El prodotto da olive accuratamente scelte e garantito di essere assolutamente puro sotto qualunque analisi chimica. Esso e altamente raccomandato tanto per uso da tavola come per uso medicinale \* \* \* Imported Olive Oil," and the design on the main panel of an olive branch and olives, borne on the cans containing the article, were false and misleading and in that said statements and design were borne on the cans so as to deceive and mislead the purchaser in that they represented that the article was composed wholly of olive oil; whereas it was not composed wholly of olive oil but was a mixture of tea-seed oil and olive oil.

On October 4, 1937, pleas of guilty were entered on behalf of all defendants, and Socrates Moscahlades was sentenced to 1 year on count 1 and 1 year on count 2—sentences to run consecutively. Execution was suspended and defendant was placed on probation for 2 years. Socrates Moscahlades was also fined \$1,800. Adolphus Brook was fined \$1,200; and Moscahlades Bros., Inc., was fined \$18, which was remitted.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27804. Misbranding of olive oil. U. S. v. Moscahlades Bros., Inc., Socrates Moscahlades, and Adolphus Brook. Pleas of guilty. Fines, totaling \$150, which were remitted. (F. & D. No. 30134. I. S. No. 38663.)**

This product was short of the declared volume.

On April 21, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Moscahlades Bros., Inc., New York, N. Y., and Socrates Moscahlades and Adolphus Brook, officers of the corporation, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about February 29, 1932, from the State of New York

into the State of Pennsylvania of a quantity of olive oil that was misbranded. The article was labeled in part: "One Gallon Elephant Brand Imported Virgin Olive Oil Embro Import Co. Sole Distributors."

It was alleged to be misbranded in that the statement "One Gallon," borne on the can, was false and misleading and was borne on the can so as to deceive and mislead the purchaser since the cans contained less than 1 gallon of the article. It was alleged to be misbranded further in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement made was not correct.

On October 11, 1937, pleas of guilty were entered on behalf of the defendants; and the court imposed a fine of \$50 against each of the three defendants, but remitted payment in view of the fines imposed against the same defendants in the case reported in notice of judgment No. 27803.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27805. Adulteration of butter. U. S. v. 8 Tubs of Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 40188. Sample Nos. 38551-C, 38555-C.)**

This product contained less than 80 percent of milk fat.

On August 17, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 10, 1937, by the Staunton Creamery from Staunton, Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

On August 24, 1937, the Staunton Creamery, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27806. Adulteration of butter. U. S. v. 16 Tubs of Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 40189. Sample No. 38552-C.)**

This product contained less than 80 percent of milk fat.

On August 17, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 tubs of butter at New York, N. Y., alleging that it had been shipped in interstate commerce on or about August 9, 1937, by the Orange Creamery from Orange, Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

On August 24, 1937, the Orange Creamery, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27807. Adulteration of butter. U. S. v. 13 Tubs of Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 40190. Sample No. 38553-C.)**

This product contained less than 80 percent of milk fat.

On August 17, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 tubs of butter at New York, N. Y., alleging that it had been shipped in interstate commerce on or about August 12, 1937, by the Bedford Creamery from Bedford, Va., and charging adulteration in violation of the Food and Drugs Act.